

### **REMARKS**

Applicant respectfully requests reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks.

Claims 1, 2, 7-12, and 21-26 are pending in the application, with claims 1 and 21 being independent. Claims 3-6 and 13-20 are canceled herein without prejudice to or disclaimer of the subject matter recited therein. Claims 1 and 7 are amended. Claims 21-26 are newly added. Support the claim amendments and additions can be found in the original specification as filed at least at paragraphs [0012], [0017], [0021], and [0022], and FIGS. 1-3. No new matter has been added.

### **Information Disclosure Statement**

The Office Action indicates that the two U.S. patent applications listed on the March 4, 2004 Information Disclosure Statement (IDS) have been "lined through since these items are not prior art." Without making any representation as to the materiality of the cited applications relative to the subject application or their status as prior art, Applicant notes that pending U.S. applications may, in some circumstances, qualify as prior art under one or more of 35 U.S.C. §§ 101 (double patenting) or 102(e), or under the judicially created doctrine of obviousness-type double patenting.

Copies of the cited pending applications, specification, claims, and drawings were provided along with the March 4, 2004 Information Disclosure Statement. However, USPTO has waived the copy requirement for pending U.S. applications stored in the USPTO's image file wrapper system. (See attached announcement entitled "Waiver of the Copy Requirement in 37 C.F.R. 1.98 for Cited Pending U.S. Patent Applications.")

Accordingly, Applicant requests that the PTO-1449 form from the March 4, 2004 IDS be initialed and returned, indicating that the listed U.S. applications have been considered.

### **§ 103 Rejection**

**Claims 1, 9, 11, and 12 were rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 4,171,123 (Woelkers) in view of U.S. Patent No. 5,517,785 (Sawaf). Claims 2, 6-8, 13, 14, and 16 were rejected under 35 U.S.C. § 103(a) as being obvious over Woelkers and Sawaf in view of U.S. Patent No. 3,330,533 (Blume).** These rejections are respectfully traversed. Nevertheless, without conceding the propriety of the rejections, claims 6, 13, and 14 have been canceled, thereby rendering the rejections of those claims moot. Also, independent claim 1 has been amended to include the features of original dependent claim 6, which are not disclosed or suggested by the cited documents.

**Independent claim 1** is directed to an apparatus for pulling line through a raceway, and as presently presented recites, among other things, “at least one attachment member attached to an end of the plurality of linked mounts ... the at least one attachment member comprises a threaded connector having threads positioned at an end of the threaded connector and a loop at an attachment end attached to the plurality of linked mounts.” None of the cited documents, whether taken alone or in combination (assuming for the sake of argument that there is even motivation to combine the documents), discloses or suggests such features.

Woelkers discloses a conductor-pulling device comprising “an elongated strip of material having a plurality of spaced openings 24 therealong for independently receiving respective conductors” (col. 3, lines 28-31). According to Woelkers, the pulling member 14 “has a flat

planer configuration” and “is made of flexible material in order to allow the strip 14 to be pulled around curves or bends in the conduit 16” (col. 4, lines 9-12).

Sawaf is directed to a bottom trawl attached to a towing vessel located at the surface of an ocean for bottom trawl fishing, and discloses “a sweepline system for connection to a series of hanging chains depending from such bottom trawl wherein the latter includes a trawl net having side wings, a mouth and a floatation system attached to a leading edge of the net” (col. 1, lines 4-11). Thus, Sawaf is directed to the non-analogous art of bottom trawl fishing and has nothing to do with pulling line through a raceway.

Blume discloses a twisted hook terminal for roding ducts, and discloses “a pulling or snagging device 24 for engaging the crossed ends of the wires and pulling the fish tape through the conduit” (col. 1, line 72 – col. 2, line 2). The pulling device 24 includes a “shank 40 having a threaded and slotted end 42 for attachment to a sleeve member 44 and elongated cylindrical body 46 of another fish tape” (col. 2, lines 22-26).

However, none of Woellkers, Sawaf, or Blume has been shown to disclose or suggest an attachment member that “comprises a threaded connector having threads positioned at an end of the threaded connector and a loop at an attachment end attached to the plurality of linked mounts,” as presently recited in independent claim 1. Accordingly, claim 1 is allowable over the cited documents, whether taken alone or in combination (assuming for the sake of argument that there is even motivation to combine the documents).

**Dependent claims 2 and 7-12** depend from independent claim 1 and are allowable by virtue of this dependency, as well as for the additional features that they recite.

**New independent claim 23** is directed to an apparatus for pulling line through a raceway and recites, among other things, “a plurality of linked mounts repositionable relative to one another, the linked mounts being connected by linking with adjacent linked mounts; and multiple attachment members attached to the linked mounts, at least one attachment member being attached to a first end of the plurality of linked mounts and adapted to releasably attach to an end of a fish tape, and at least one other attachment member being attached to a second end of the plurality of linked mounts opposite the first end.” The cited documents fail to disclose or suggest such features. Accordingly claim 23 is allowable over the cited documents.

**New dependent claims 24-26** depend from new independent claim 23 and are allowable by virtue of this dependency, as well as for the additional features that they recite.

For example, **dependent claim 22** recites “wherein at least one other of the attachment members comprises a hook having a loop attached to the end of the plurality of linked mounts.” None of the cited documents has been shown to disclose this feature. Accordingly, claim 22 is allowable for at least his additional reason.

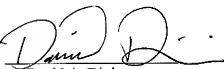
**Dependent claim 24** recites “at least two lines, each line being coupled to a different one of the plurality of linked mounts, the lines being folded through the respective linked mount and each line being secured to itself by tape.” None of the cited documents has been shown to disclose this feature. Accordingly, claim 22 is allowable for at least his additional reason.

**Conclusion**

For at least the foregoing reasons, claims 1, 2, 7-12, and 21-26 are in condition for allowance. Favorable consideration and a notice of allowance are respectfully requested. If any issue remains unresolved that would prevent allowance of this case, **the Examiner is requested to contact the undersigned attorney to resolve the issue.**

Respectfully submitted,

Date: 5/1/06

By:   
David A. Divine  
Lee & Hayes, PLLC  
Reg. No. 51,275  
(509) 324-9256 ext. 233

### Waiver of the Copy Requirement in 37 CFR 1.98 for Cited Pending U.S. Patent Applications

37 CFR 1.98 requires that for each cited pending U.S. patent application, an information disclosure statement (IDS) include a legible copy of the application specification, including the claims, and any drawing of the application, or that portion of the application which caused it to be listed, including any claims, directed to that portion. See 37 CFR 1.98(a)(2)(iii).

The United States Patent and Trademark Office (USPTO) has been scanning newly filed patent applications and the existing inventory of patent applications into USPTO's Image File Wrapper (IFW) system since June of 2003. See Notification of United States Patent and Trademark Office Patent Application Records being Stored and Processed in Electronic Form, 1271 Off. Gaz. Pat. Office 100 (June 17, 2003). Applications stored in the IFW system may be viewed by examiners on their desktop computers. Consequently, there is no longer a need to require a copy of the specification, including claims, and drawings of a U.S. patent application (or portion of the application) listed on an IDS when the cited application is stored in the USPTO's IFW system, and can be readily viewed by examiners, applicants and members of the public.

Therefore, the requirement in 37 CFR 1.98(a)(2)(iii) for a legible copy of the specification, including the claims, and drawings of each cited pending U.S. patent application (or portion of the application which caused it to be listed) is *sua sponte* waived where the cited pending application is stored in the USPTO's IFW system. See 37 CFR 1.183. This waiver is effective immediately.

Applications filed under 35 U.S.C. § 111 on or after June 30, 2003, and international applications that have entered the national stage on or after June 30, 2003, have been or are being scanned into the USPTO's IFW system. When citing to a pending application filed under 35 U.S.C. § 111 before June 30, 2003, or that entered the national stage before June 30, 2003, the applicant may check the private Patent Application Information Retrieval (PAIR) System to see whether the application is stored in the USPTO's IFW system in order to determine if a copy of the application (or portion of the application) is required to be provided with an IDS. The private PAIR System can be accessed over the Office's Internet Web site ([www.uspto.gov](http://www.uspto.gov)).

When citing to a pending U.S. patent application that has been published under 35 U.S.C. § 122(b) (eighteen-month publication), the USPTO prefers that the citation be to the patent application publication (by publication number) rather than to the application itself (by application number).

This waiver is limited to the specification, including the claims, and drawings in the U.S. application (or portion of the application). If material other than the specification, including the claims, and drawings in the file of a U.S. patent application is being cited in an IDS, the IDS must contain a legible copy of such material. See 37 CFR 1.98(a)(1)(iv).

Inquiries concerning this notice may be directed to Jeanne M. Clark, Senior Legal Advisor,  
Office of Patent Legal Administration, at (703) 306-5603.

/s/

Stephen G. Kunin  
Deputy Commissioner  
for Patent Examination Policy

September 21, 2004